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EXAMINER

NATNAEL, PAULOS M

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 01/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/712,539

Applicant(s)

HORLANDER, KARL FRANCIS

Examiner

Paulos M. Natnael

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20,22-25 and 29-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-9 is/are allowed.
- 6) ☒ Claim(s) 10-17,19,20,22-25 and 30-36 is/are rejected.
- 7) ☒ Claim(s) 18 and 29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims **10-17, 19-20,22,23, and 30-36** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kanota et al.**, U.S. Pat. No. 5,991,500 in view of **Mishina**, U.S. Pat. No. 5,745,643.

Considering claim **10**, Kanota discloses all claimed subject matter, note;

a) the claimed method of receiving said signal including video image information and copy protection information associated with one of a plurality of display formats is met by the input to Reproducing Signal Processor 23, FIG. 23, which is assumed to include a copy protection information." (Col.11, lines 62-64)

b) the claimed decoding said copy protection information in the received signal, is met by Copy Protection Info Detection Unit 25, FIG. 23. (See col. 12, lines 5-9)

d) the claimed processing said video image information using said selected display format is met by the encoder 27 (fig.23);

e) the claimed "wherein said copy protection information comprises data used for determining display formats available for at least one of recording said video image information, and reproducing said recorded video image information is met by the disclosure that "Upon detecting the status of the copyright information and copy generation signals, copy protection detector 25 supplies suitable status indications to control unit 26 which, in turn, controls encoder 27 to supply to mixer 28 updated, or new copyright signals which are detected by copy protection 25 are regenerated and supplied to mixer 28 to be superposed onto the appropriate line intervals of the video signal...and control unit 26 is responsive to the detected copy protection information to control encoder 27 to supply to mixer 28 copyright information and copy generation signals S1 and S2 of appropriate states." (Col. 12, lines 24-40)

Except for;

c) the claimed adaptively selecting a format for displaying said video image information on a display in response to said decoded copy protection information;

Regarding c), Kanota discloses that "...More particularly, the identifying data (the A field) constitutes discrimination data relating to the picture signal transmission system wherein the first bit represents the aspect ratio of the viewable picture that may be displayed from the video signal (e.g. an aspect ratio of 16:9 or an aspect ratio of 4:3); and the second bit indicates a standard system or a letter box system or a letter box system". (Col. 13, line59 through col. 14, line 23).

Mishina discloses a system and method of reproducing playback data...and teaches in Fig. 48B that the system determines whether or not the desired Pan Scan flag is set, and accordingly the system would disable the display of Pan Scan Conversion (S18) or Letter Box conversion (S9). Further, the system teaches that "in the category (VMG_CAT) of the video manager 71, a flag indicating whether or not the DVD video directory inhibits copying is written." (col. 10, lines 51-53). Therefore, it would have been obvious to the skilled in the art at the time the invention was made to modify the system of Kanota et al. by providing the teaching of Mishina where the system would judge whether the pan scan is valid and accordingly enabling or disabling the plurality of display formats available to the system, so that the viewer or user may select or would be informed to select the desired display format accordingly.

Considering claim 11, the claimed wherein selection of said display format is in response to said decoded copy protection information determining user entitlement to select one of said plurality of available display formats.

Regarding claim 11, see rejection of claim 10(C).

Considering claim 12, the claimed wherein said display format is one of: i) a standard definition format; and ii) a high definition format is met by the disclosure of "depending upon the format of the video signal (e.g. NTSC, PAL, HD, etc.), the particular line intervals in which S_{sub_1} and S_{sub_2} are superposed may vary." (Col. 9, lines 64-66);

Considering claim 13, the claimed further comprising the step of recording said video image information in a format determined by said decoded copy protection information on a recording medium is met by recording signal processor 11 and recording head 12 and magnetic medium 13, Fig.21;

Considering claim 14, the claimed further comprising the step of reproducing said recorded video image information in said format determined by said decoded copy protection information on a display is met by the reproducing signal processor 23, FIG.23.

Considering claim 15, the claimed wherein said video image information of said received signal is transmitted as a digital signal on a first channel.

Regarding claim 15), Kanota doesn't specifically disclose receiving ancillary data transmitted on a on a first channel for controlling processing of said video image data. doesn't specifically disclose transmitting on a first channel. However, the Examiner takes Official Notice here in that the claimed method of transmitting and/or recording a video signal on first channel and transmitting and/or recording the ancillary signal on a second channel such as the line rate (1H) and twice the horizontal line (2H) is well known in the art, and therefore would have been obvious to the skilled in the art.

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Considering claim **16**, the claimed method of further comprising the step of receiving ancillary data transmitted on a second channel for controlling processing of said video image data.

Regarding claim 16, Kanota doesn't specifically disclose receiving ancillary data transmitted on a on a second channel for controlling processing of said video image data. doesn't specifically disclose transmitting on a first channel. However, the Examiner takes Official Notice here in that the claimed method of transmitting and/or recording a video signal on first channel and transmitting and/or recording the ancillary signal on a second channel such as the line rate (1H) and twice the horizontal line (2H) is well known in the art, and therefore would have been obvious to the skilled in the art.

Considering claim **17**, the claimed method of wherein said ancillary data is transmitted as an analog video signal.

Regarding claim 17, see rejection of claims 16.

Considering claim **19**, see rejection of claim 10; (see also Fig.21)

Considering claim **20**, the claimed wherein selection of said recording format is in response to said decoded copy protection information determining user entitlement to select one of said plurality of available recording formats;

Regarding claim 20, see rejection of 10(c) and (d).

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Considering claim **22**, the claimed further comprising the step of recording said processed video image information in said selected recording format on a recording medium.

Regarding claim **22**, see rejection of claim 10(c) and (d).

Considering claim **23**, the claimed further comprising the step of reproducing said recorded video image information in said selected recording format on a display is met by television 44, FIG.1;

Claim **30** is a method claim of Claim **19** and, therefore, Claim **30** is rejected for the same reason as Claim **19**.

Considering Claim **31**, the claimed wherein selection of said resolution format is in response to said decoded copy protection information determining user entitlement to select one of said plurality of available picture formats.

Regarding claim **31**, see rejection of claim 10 (c) and (d).

Claim **32** is a method claim of Claim **22** and, therefore, Claim **32** is rejected for the same reason as Claim **22**.

Claim **33** is a method claim of Claim **23** and, therefore, Claim **33** is rejected for the same reason as Claim **23**.

Claim **34** is a method claim of Claim **24** and, therefore, Claim **34** is rejected for the same reason as Claim **24**.

Claim **35** is a method claim of Claim **25** and, therefore, Claim **35** is rejected for the same reason as Claim **25**.

Claim **36** is a method claim of Claim **29** and, therefore, Claim **36** is rejected for the same reason as Claim **29**.

9. Claims **24-25** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanota et al., U.S. Pat. No. 5,991,500 in view of Tsukamoto et al. U.S. Pat. No. 5,796,828.

Considering claim **24**, Kanota et al. and Mishina as modified above disclose all claimed subject matter,

except for;

Wherein the copy protection information further includes information indicating a time period during which said processed video image information is able to be reproduced.

Regarding claim **24**, Kanota doesn't specifically disclose indicating a time period during which said processed video image information is able to be reproduced.

However, this method is well known in the art. Tsukamoto et al. discloses a controlled-access broadcast signal receiving system. "Depending on the particular conditions and

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circumstances, a user can be prevented entirely from accessing the selected digital video signals, given limited access to the signals, or given full access to the signals."

(Col.5, lines 27-32) Further, "One access-control signal indicates that the video programming is to be erased on a certain date Y (Erase on Data Y) and the other access-control signal the No REPRO signal. Access controller 28A stores the ERASE ON DATA Y signal and the NO REPRO signal in access condition memory 29.

Encipherer 22, when enabled, supplies encrypted video signals to recording/reproducing section 23A for recording on storage 40. (col. 9, lines 1-9)

Therefore, it would have been obvious to the skilled in the art to modify the system of Kanota and Mishina as modified above by providing the capability of either inhibiting or permitting reproduction operations, so that an access-control signal indicates the video programming would be erased on a certain time or date and/or give a time period for reproduction of the image information.

Considering claim **25**, the claimed wherein said time period is set in response to said decoded copy protection information determining user entitlement to select one of said plurality of available recording formats.

Regarding claim 20, see rejection of 10(c) and (d).

Response to Arguments

11. Applicant's arguments with respect to claims **10-20,22-25, and 29** filed 9/11/2004, have been fully considered but they are not persuasive.

Applicant's Arguments

a) Applicants assert that Mishina does not disclose or suggest the claimed "copy protection information associated with a plurality of display formats" for the same reasons given above for claim 1.

Examiner's Response

Applicants cannot show non-obviousness by attacking references individually where, as here, the rejections are based on combination of references. In re Keller, 208 USPQ 871 (CCPA 1981)

Nevertheless, as shown in the rejection, Kanota et al. discloses a copy control for a video signal with copyright signals superimposed as predetermined bits in the VBI data of the video signal. Specifically, Kanota et al. discloses "the identifying data (the A field) constitutes discrimination data relating to the picture signal transmission system wherein the first bit represents the aspect ratio of the viewable picture that may be displayed from the video signal (e.g. an aspect ratio of 16:9 or an aspect ratio of 4:3); and the second bit indicates a standard system or a letter box system." Col. 14, lines 16-23, see also Table 2, where picture display format is clearly disclosed. Furthermore, Kanota teaches that S1 and S2 are copy generation signals and depending on the display format, the copy generation signals are superposed in the VBI lines. Kanota suggests that the copy generation may vary according to display format. Depending on

the display format chosen, the superposition of the copy generation of signals S1 and S2 is determined.

Mishina discloses a system and method of reproducing playback data...and teaches in Fig. 48B that the system determines whether or not the desired Pan Scan flag is set, and accordingly the system would disable the display of Pan Scan Conversion (S18) or Letter Box conversion (S9). Further, the reference of Mishina teaches that "in the category (VMG_CAT) of the video manager 71, a flag indicating whether or not the DVD video directory inhibits copying is written." (col. 10, lines 51-53). Thus, it would be obvious to modify Kanota using the information and motivation of Mishina and, therefore, argument that Minisha does not disclose "copy protection information associated with a plurality of display formats", is unpersuasive.

Allowable Subject Matter

3. Claims **1-9** are allowable over the prior art.
4. Claims **18, 29** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. The following is a statement of reasons for the indication of allowable subject matter: the prior art fails to disclose a method of selecting a format for displaying video image information received in a signal including conditional access information, the method comprising: receiving the signal including video image information and

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conditional access information associated with a **plurality** of picture resolution formats; decoding said conditional access information in the received signal, wherein said decoded conditional access information comprises data used for determining picture resolution formats available for at least one of: (i) recording said video image information; and reproducing said recorded video information; adaptively selecting a picture resolution format in response to said decoded conditional access information; and, processing said video image information using said selected picture resolution format, as in claim 1; wherein each of the plurality of picture resolution formats is associated with a respective billing rate and further comprising the step of billing a user at the billing rate associated with a selected one of said plurality of picture resolution formats, as in claims 18 and 29;

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Stapleton, U.S. Pat. No. 6,124,893 discloses a versatile video transformation device comprising conditional access information and versatile video reformatting or scan conversion.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paulos M. Natnael whose telephone number is (703) 305-0019. The examiner can normally be reached on 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (703) 305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PMN
January 4, 2005


PAULOS M. NATNAEL
PATENT EXAMINER

1/4/05